

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLERK OF COURT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/4/07

UNITED STATES

v.

ALBERTO W. VILAR

05-CR-0621 (KMK)

Amended
ORDER

(KMK)

The defendant, by his attorney Ivan S. Fisher, has asked the Court for what amounts to a swap of assets in support of his application to withdraw \$1.1 million of the \$1.6 million in cash currently placed with the District Court in partial support of a \$10 million personal recognizance bond permitting the release of the defendant Alberto Vilar subject to certain conditions during this prosecution. More specifically, Mr. Vilar seeks the release of \$500,000.00 plus interest representing the entirety of the funds placed by Peter Lusk in support of this bail, and \$600,000.00 plus interest placed in support of this bail by Manaf Al Hamad. In return, Vilar first points to an approximately \$200,000.00 increase in the equity of the home of Walter Phaeffle located at 111 Old Town Road, in Southhampton, New York, which is already placed with the Court in security of the existing bond and, more significantly, depositing with the Court the New York City condominium apartment of Walter Phaeffle located at 340 East 64th Street, Apartment 16G, New York, New York, with a net equity of \$1.5 million (an appraisal represents the current value of the apartment at \$1.7 million; there is an outstanding \$200,000.00 mortgage against this property). The government has no objection to this modification. The defendant also seeks additional provisions the purpose of which is to

make certain that the \$1.1 million thus released by this order will go to and be used to pay his legal fees in connection with this case. Accordingly,


IT IS HEREBY ORDERED that the application of the defendant Alberto Vilar to replace \$1.1 million of cash now in the possession of the Clerk of this Court in partial support of his personal recognizance bond with the positing of the condominium apartment belonging to Walter Phaeffe at 340 East 64th Street, Apartment 16G, New York, New York, be and is hereby granted.

IT IS FURTHER ORDERED that the \$500,000.00 plus interest provided by Peter Lusk and an additional \$600,000.00 plus interest provided by Mr. Manaf Al Hamad be returned. The check representing these funds to be returned totaling \$1.1 million plus interest is to be made payable to the escrow account of Scheichet & Davis, P.C. (the law firm of William Davis one of the attorneys of record in this case). Scheichet & Davis is, upon its receipt and clearance of the government's check in its escrow account, to forthwith disperse to Messrs. Peter Lusk and Manaf Al Hamad the respective amounts of interest provided to the firm in the check issued by the Clerk to its escrow account under other terms of this ORDER.

All of the 1.1 million dollars released by this order (not including interest) is to be used only to pay legal fees and expenses in connection with this case.

Dated: New York, New York
August 28, 2007

SO ORDERED.


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE